

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TTAB

CHARLES WORTHINGTON HAIR &
BEAUTY COMPANY LIMITED

Opposer,

v.

ESPN INC.

Applicant.

Opposition No. _____

Attorney's Reference: 47479-230513

NOTICE OF OPPOSITION

In the matter of the application for registration of the trademark BIG AIR filed by ESPN Inc. ("Applicant"), as shown in Application Serial No. 78/691,320 published for opposition in the *Official Gazette* of December 20, 2005.

CHARLES WORTHINGTON HAIR & BEAUTY COMPANY LIMITED ("Opposer"), a Limited Liability Company of England with its address at 7 Percy Street, London, W1P 9FB England believes that it will be damaged by registration of the mark shown in said Application Serial No. 78/691320 and hereby opposes the same:

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As grounds for opposition it is alleged that:

1. Opposer is now, and, through its predecessors in interest, for many years has been, engaged in the business of manufacturing and marketing, among other things, hair care products.
2. Opposer is the owner of U.S. Registration No. 2,563,996 issued April 23, 2002 for the trademark CHARLES WORTHINGTON BIG HAIR covering "hair care products, namely shampoos, conditioners and sprays, for styling, shaping and grooming."

04-19-2006

3. Opposer uses the trademark BIG HAIR in connection with hair care products.
4. Opposer has used the trademark BIG HAIR in the United States since prior to any date of first use that may be relied upon by the Applicant for its trademark BIG AIR in the United States.
5. Applicant has not used the trademark BIG AIR in the United States on or in connection with the goods listed in its application.
6. Applicant did not use the trademark BIG AIR in the United States for the goods described in its application prior to April 23, 2002.
7. Applicant did not use the trademark BIG AIR in the United States for the goods described in its application prior to August 12, 2005.
8. The goods for which Applicant seeks to register the mark BIG AIR are related to goods offered by Opposer under its mark BIG HAIR.
9. The trademark BIG AIR sought to be registered by the Applicant is confusingly similar to Opposer's trademark BIG HAIR.
10. Consumers are likely to be confused between Applicant's BIG AIR trademark and Opposer's BIG HAIR trademark.
11. Consumers are likely to be confused and to mistakenly purchase Applicant's products offered under its BIG AIR mark believing that they are Opposer's products.
12. If the Applicant were permitted to use and register its mark for its goods as specified in its application, confusion among consumers resulting in damage and injury to Opposer would be caused by virtue of the similarity between Applicant's trademark and Opposer's trademark, and the related nature of the goods covered

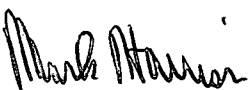
by those marks. Any defect, objection or fault found with Applicant's goods would reflect upon, seriously injure, and dilute the reputation and value that Opposer has established under its trademark.

WHEREFORE, Opposer prays that Application Serial No. 78/691,320 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of the Opposer.

This Notice of Opposition is submitted in duplicate. Authorization is granted to charge the statutory filing fee of \$300.00 (Class 3) to our Deposit Account No. 22-0261 and notify the undersigned accordingly.

Opposer appoints Mark B. Harrison, Andrew Price, and Jacqueline Patt, along with the law firm of Venable LLP, P.O. Box 34385, Washington, D.C. 20043-9998 to transact all business on its behalf in connection with this Opposition.

Respectfully submitted,

By: 
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Date: April 19, 2006

Attorneys for Opposer